

House Bill 244 (AS PASSED HOUSE AND SENATE)

By: Representatives Pruett of the 144<sup>th</sup>, Harden of the 28<sup>th</sup>, Everson of the 106<sup>th</sup>, Jacobs of the 80<sup>th</sup>, Sellier of the 136<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend the Official Code of Georgia Annotated so as to change the name of the Georgia  
2 Environmental Facilities Authority to the Georgia Environmental Finance Authority; to  
3 amend Code Section 50-23-5 of the Official Code of Georgia Annotated, relating to purpose,  
4 powers, and duties of the Georgia Environmental Facilities Authority, so as to authorize such  
5 authority to transfer excess funds to the state; to revise a power relating to nonprofit  
6 corporations; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The Official Code of Georgia Annotated is amended by replacing the "Georgia  
10 Environmental Facilities Authority" with "Georgia Environmental Finance Authority"  
11 wherever such name appears in:

- 12 (1) Code Section 8-2-3, relating to requirements for toilets, shower heads, and faucets;  
13 (2) Code Section 8-2-23, relating to the amendment and revision of state building, plumbing,  
14 and electrical codes generally;  
15 (3) Code Section 12-5-38.1, relating to administration of funds in water pollution control and  
16 drinking water revolving funds;  
17 (4) Code Section 12-5-471, relating to definitions relative to water supply;  
18 (5) Code Section 12-5-524, relating to the creation of the Water Council and the obligations  
19 of the council;  
20 (6) Code Section 12-5-542, relating to definitions relative to Flint River drought protection;  
21 (7) Code Section 12-5-580, relating to coordinating committees and finance committees of  
22 the Metropolitan North Georgia Water Planning District;  
23 (8) Code Section 12-6A-2, relating to definitions relative to land conservation;  
24 (9) Code Section 12-8-23.1, relating to powers and duties of the director of the  
25 Environmental Protection Division relative to solid waste management;  
26 (10) Code Section 12-8-31, relating to the state solid waste management plan and reporting;

- 27 (11) Code Section 36-60-17.1, relating to use of water supplied by a public water system;  
28 (12) Code Section 46-4A-2, relating to legislative findings and declaration of policy for  
29 energy conservation assistance to residential customers;  
30 (13) Code Section 46-4A-12, relating to construction of rules, regulations, and order under  
31 the chapter;  
32 (14) Code Section 46-4A-14, relating to civil penalties and removal of contractor, supplier,  
33 or lender from master record;  
34 (15) Code Section 48-7-29.14, relating to income tax credit for clean energy property;  
35 (16) Code Section 50-8-8, relating to grants, loans, and other disbursements of funds by the  
36 Department of Community Affairs and establishment of a state community development  
37 program;  
38 (17) Code Section 50-8-13, relating to authorities and agencies assigned to the Department  
39 of Community Affairs;  
40 (18) Code Section 50-8-170, relating to definitions relative to E-85 projects and  
41 implementation of a grant program to facilitate E-85 projects;  
42 (19) Code Section 50-8-193, relating to priority in licensing and processing grants and loans  
43 to local governments for certified regional economic assistance programs;  
44 (20) Code Section 50-10-5, relating to the powers and duties of the Georgia Development  
45 Authority;  
46 (21) Code Section 50-17-27, relating to application and investment of public debt proceeds  
47 by the State Financing and Investment Commission and the authority;  
48 (22) Code Section 50-23-1, relating to the short title of article;  
49 (23) Code Section 50-23-2, relating to legislative intent and assumption of rights, duties, and  
50 assets of the Georgia Development Authority;  
51 (24) Code Section 50-23-3, relating to the creation of the authority, members, quorum, travel  
52 and expenses, legal services, members' accountability, recordkeeping, and authority assigned  
53 for administrative purposes;  
54 (25) Code Section 50-23-4, relating to definitions relative to the authority;  
55 (26) Code Section 50-23-5, relating to the purpose, powers, and duties of the authority;  
56 (27) Code Section 50-23-25, relating to the definition of the Water Supply Division;  
57 (28) Code Section 50-23-26, relating to the creation of the Water Supply Division;  
58 (29) Code Section 50-23-30, relating to the definition of the Division of Energy Resources;  
59 (30) Code Section 50-23-31, relating to creation of the Division of Energy Resources;  
60 (31) Code Section 50-23-32, relating to powers and duties of the Division of Energy  
61 Resources;  
62 (32) Code Section 50-32-15, relating to the issuance of bonds; and

63 (33) Code Section 50-32-39, relating to limitation of indebtedness by or on behalf of the  
64 Georgia Regional Transportation Authority.

65 **SECTION 1A.**

66 Code Section 50-23-5 of the Official Code of Georgia Annotated, relating to purpose,  
67 powers, and duties of the Georgia Environmental Facilities Authority, is amended by revising  
68 paragraph (23.2) of subsection (b) as follows:

69 "(23.2) To incorporate one or more nonprofit corporations as subsidiary corporations of  
70 the authority for the purpose of carrying out any of the powers of the authority and to  
71 accomplish any of the purposes of the authority including but not limited to accepting  
72 donations to be used to advance state-wide energy education and energy efficiency and  
73 conservation initiatives. Any such subsidiary corporation shall be a nonprofit  
74 corporation, a public body corporate and politic, a political subdivision of the state, and  
75 an instrumentality of the state and shall exercise essential governmental functions. Any  
76 subsidiary corporations created pursuant to this power shall be created pursuant to  
77 Chapter 3 of Title 14, the 'Georgia Nonprofit Corporation Code,' and the Secretary of  
78 State shall be authorized to accept such filings. Upon dissolution of any subsidiary  
79 corporation of the authority, any assets shall revert to the authority or to any successor  
80 to the authority or, failing such succession, to the State of Georgia. The authority shall  
81 not be liable for the debts or obligations or bonds of any subsidiary corporation or for the  
82 actions or omissions to act of any subsidiary corporation unless the authority expressly  
83 so consents;"

84 **SECTION 2.**

85 Code Section 50-23-5 of the Official Code of Georgia Annotated, relating to purpose,  
86 powers, and duties of the Georgia Environmental Facilities Authority, is amended by striking  
87 "and" at the end of paragraph (31.2) of subsection (b), by striking the period at the end of  
88 paragraph (32) of such subsection and inserting in lieu thereof "; and", and by adding a new  
89 paragraph to such subsection to read as follows:

90 "(33) To transfer to the state any funds of the authority determined by the authority to be  
91 in excess of those needed for its corporate purposes."

92 **SECTION 3.**

93 All laws and parts of laws in conflict with this Act are repealed.